

### **REMARKS/ARGUMENTS**

The present communication is in response to the Final Office Action mailed June 15, 2005. Claims 23, 25-33, and 35-42 are pending in the application. Claims 23, 25-33 and 35-42 were rejected. Claims 23, 27, 29, 30, 32, 33, 37, and 40 have been amended. The amendments to the claims do not add new matter. For at least the reasons stated below, Applicants assert that all claims now are in condition for allowance.

#### **Objections to the Specification**

The disclosure was objected to as not having Figure 11 mentioned in the specification.

Applicant respectfully traverses the objection to Figure 11. However, in order to advance prosecution, Applicant has added paragraphs to the brief description of the drawings and to the detailed description that describe Fig. 11. Applicant submits that the amendments do not add new matter, and are supported at least by paragraph 0028.

#### **Claim Objections**

Claims 27, 29, 30, 32, 37, 39 and 40 were objected to because the limitation "the sealing portion" in claims 27, 29, 30, 32, 37 and 39 were suggested to read "--the sealing member--." The Office Action indicated that at claim 40 at line 2, "sealing" should be inserted before "member" and line 4, "an elongated" should be --the elongated--.

Applicant respectfully traverses the objection to the claims. However, in order to advance prosecution, Applicant has amended claims 27, 29, 30, 32, 37, 39 and 40. The amendments to the claims do not add new matter.

#### **Rejection under 35 U.S.C. 102**

Claims 23, 25, 39-31, 33, 35 and 39-42 were rejected under 35 U.S.C. 102(b) over Japanese Patent (8-258851). Applicant respectfully traverses the 102(b) rejection. This is because the above-mentioned reference does not disclose the limitations required by the

independent claims 23, 33, and 40. Applicant requests that the rejection be withdrawn for at least this reason.

Each of the independent claims recite lugs on the receiver portion “that project generally outwardly from the receiver portion and downwardly in the direction of the opening of the receiver portion.” The Japanese patent fails to disclose the limitations described above. Specifically, “knob sections” 71 of the Japanese patent, shown in Figure 8, project upwardly from base 22 away from the slot 23 opening, not downwardly in the direction of the opening of the receiver portion as claimed. Therefore, the Japanese patent fails to disclose the requirements set forth in the independent claims.

In addition, applicant maintains its arguments set forth in the responses to the previous Office Actions. For at least the above reasons, the Japanese patent does not teach each and every limitation of claims 23-25, 29-31, 33-35, and 39-42, and Applicants respectfully assert that these claims are allowable and request that the 35 U.S.C. 102(b) rejection be withdrawn.

### **Rejection under 35 U.S.C. 103**

Claims 26, 32 and 36 were rejected under 35 U.S.C. 103(a) over Japanese Patent (8-258851) in view of Vargas (US Published Patent Application 2003/0188510).

Applicant respectfully traverses the 103(a) rejection. This is because Vargas fails to remedy the deficiencies of the Japanese patent. Vargas discloses a bag sealing apparatus having a handle member 14 with a planar member 18. *See* Fig. 2. As can be seen in Vargas’ Fig. 2, planar member 18 forms a top planar surface. Therefore Vargas fails to disclose a receiver portion “that project generally outwardly from the receiver portion and downwardly in the direction of the opening of the receiver portion.”

For at least the above reasons, Vargas does not remedy the deficiencies of the Japanese patent, and Applicants respectfully assert that these claims are allowable and request that the 35 U.S.C. 103(a) rejection be withdrawn.

**CONCLUSION**

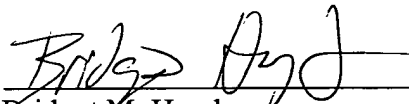
This application now stands in allowable form, and reconsideration and allowance are respectfully requested.

This amendment and response is filed along with a Request for Continued Examination (RCE) Patent Application and Request for Extension. Enclosed is a check in the amount of \$455 for the RCE fee and extension fee. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 04-1420.

Respectfully submitted,

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